

Message Text

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ACTION STR-07

INFO OCT-01 ISO-00 STRE-00 AGRE-00 CEA-01 CIAE-00
COME-00 DODE-00 EB-08 FRB-03 H-01 INR-10 INT-05
L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05
SS-15 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02 OMB-01
DOE-15 AF-10 ARA-10 EA-10 EUR-12 NEA-11 OIC-02
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P 161851Z JUN 78

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 0000

INFO ALL OECD CAPITALS

AMEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

AMEMBASSY MEXICO

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USMTN USEEC USOECD

STR FOR ACTION

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E.O. 11652: N/A

TAGS: MTN, ETRD

SUBJECT: MTN: GROUP AGRICULTURE'S REVIEW OF DRAFT

- STANDARDS CODE, JUNE 12, 1978

1. SUMMARY: AFTER OVER A YEAR'S HIATUS, GROUP AGRICUL-
TURE RESUMED ITS REVIEW OF THE APPLICABILITY OF THE
DRAFT STANDARDS CODE TO AGRICULTURAL PRODUCTS. WHILE
POSITIONS OF DELS BASICALLY UNCHANGED FROM MARCH 1977
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MEETING, THE EC DISPLAYED A MORE POSITIVE ATTITUDE TOWARD
THE CODE, OCCASIONALLY ACTIVELY DEFENDING THE TEXT'S
PROVISIONS WHEN A SPECIFIC PROBLEM AROSE. DISCUSSION
PRIMARILY FOCUSED ON PARTICULAR TECHNICAL DIFFICULTIES
WITH THE TEXT. THE GROUP INVITED DELEGATIONS TO SUBMIT
ANY PROPOSALS THAT THEY CONSIDER NECESSARY IN ORDER
TO HAVE THE CODE'S PROVISIONS APPLY TO AGRICULTURAL

PRODUCTS. END SUMMARY.

2. ON JUNE 12, GROUP AGRICULTURE RESUMED ITS REVIEW OF THE DRAFT STANDARDS CODE APPLICABILITY TO AGRICULTURAL PRODUCTS. GROUP CHAIRMAN (PATTERSON) SET THE FOCUS OF THE ONE-DAY MEETING BY ASKING DELEGATIONS TO CONCENTRATE ON PROBLEMS RELATING TO AGRICULTURE AND NOT GENERAL CODE ISSUES. THE STANDARDS SUBGROUP CHAIRMAN (WILLIAMS) GAVE A REVIEW OF EXISTING DOCUMENTATION AND PROPOSALS AND PATTERSON CITED THE SHORT TIME REMAINING AS NECESSITATING THE GROUP'S VIEW OF THE TEXT AS IT STANDS RATHER THAN WAITING UNTIL ALL PROVISIONS ARE FINALIZED.

3. U.S. (NEWKIRK) INITIATED DISCUSSION BY SAYING THAT AFTER REVIEWING THE ISSUES RAISED AT THE PREVIOUS MEETING (CONTAINED IN MTN/AG/21) THE U.S. SEES NO SERIOUS DIFFICULTY IN APPLYING THE CODE TO AGRICULTURAL PRODUCTS. JAPAN (UENO) REREAD HIS STATEMENT OF MARCH 1977 THAT SETS OUT GOJ CONCERNS, I.E., UNIQUENESS OF AGRICULTURAL STANDARDS, DUPLICATION OF ACTIVITIES OF OTHER INTERNATIONAL ORGANIZATIONS AND SPECIAL NATURE OF QUARANTINE SYSTEMS. BRAZIL (BARTEL-ROSA) AND MEXICO (DELGADO) SAID THAT THEY HAVE BEEN WORKING ON ASSUMPTION THAT THE CODE WOULD APPLY TO AGRICULTURE. ARGENTINA (RAIMONDI), CONTRARY TO ITS POSITION IN MEAT SUBGROUP, WAS ADAMANT THAT THE CODE SHOULD APPLY TO AGRICULTURE CITING THE LIMITED OFFICIAL USE

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IMPORTANCE OF AGRICULTURAL TRADE TO ARGENTINA. RAIMONDI CALLED FOR A POSITIVE DECISION ON THE QUESTION ABOUT APPLICABILITY SO THE GROUP COULD WORK WITH A COMMON OBJECTIVE, PARTICULARLY TO STRENGTHEN THE CODE'S PROVISIONS. NORDICS (STALBERG) AFFIRMED THAT THEY HAD BEEN WORKING ON ASSUMPTION THAT THE CODE WOULD APPLY TO AGRICULTURE BUT CLAIMED THAT THIS APPLICATION WAS OF LIMITED INTEREST TO THEM SINCE THEY HAVE FEW AGRICULTURAL EXPORTS AND THE WORK OF EXISTING INTERNATIONAL ORGANIZATIONS COVERS MANY OF THE CODE'S OBJECTIVES. THE EC (JACQUOT) INDICATED THAT IN THEIR INTERNAL REVIEW THEY HAVE ADOPTED A "FAVORABLE STARTING POSITION" TOWARD THE CODE'S APPLICABILITY TO AGRICULTURAL PRODUCTS, BUT THERE ARE DIFFICULT PROBLEMS TO OVERCOME, E.G. POSSIBLE OVERLAPPING OF ACTIVITIES WITH OTHER INTERNATIONAL ORGANIZATIONS AND CERTAIN PROVISIONS DRAFTED IN TERMS OF INDUSTRIAL PRODUCTS. CANADA (GIFFORD) AND NEW ZEALAND (GREIG) SUPPORTED THE CODE'S APPLICABILITY TO AGRICULTURE.

4. REVIEW OF CODE: THE GROUP THEN CONDUCTED A SECTION-BY-SECTION REVIEW OF THE DRAFT STANDARDS CODE.

THE GROUP DEVOTED MOST OF ITS TIME TO SECTION 2,
WITH ARGENTINA DOMINATING THE DISCUSSION WITH PROPOSALS
TO "IMPROVE THE EFFECTIVENESS" OF THE CODE (COPY OF
INFORMAL DRAFT IN SPANISH BEING HAND CARRIED TO WASH-
INGTON BY ECHOLS/AGRICULTURE). ARGENTINA PROPOSED
THAT THE CODE'S OBLIGATION TO USE INTERNATIONAL
STANDARDS WHEN FORMULATING TECHNICAL REGULATIONS,
WHEN APPROPRIATE, SHOULD BE APPLIED TO EXISTING TECHNICAL
REGULATIONS. U.S. WAS JOINED BY THE EC IN POINTING TO
THE RETROACTIVE CLAUSE IN DRAFT TEXT AND THE ADMINISTRA-
TIVE IMPOSSIBILITY OF REVIEWING VAST NUMBER OF EXISTING
TECHNICAL REGULATIONS. ARGENTINA ALSO SUGGESTED
THAT FULL JUSTIFICATION BE GIVEN TO THE SATISFACTION
OF THE COMMITTEE WHEN ADHERENTS INVOKE THE EMERGENCY
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PROVISIONS (2(F)), FOR HEALTH AND ENVIRONMENTAL REASONS. AUSTRALIA AND CANADA STRONGLY OPPOSED, WITH AUSTRALIA POINTING OUT THAT SUCH PROCEDURES WOULD RESULT IN AN INTERNATIONAL ARBITRATION ON NATIONAL HEALTH POLICIES, A CONCEPT UNACCEPTABLE IN THE GATT OR IN THE CODE. FINALLY, ARGENTINA PROPOSED THAT TECHNICAL REGULATIONS BE CONSIDERED VOID IF THEY ARE NOT PUBLISHED IN CONFORMITY WITH THE PROVISIONS OF SECTION 2(G). ALL THE ARGENTINE PROPOSALS WILL BE DISTRIBUTED TO THE GROUP.

5. QUARANTINE: NEW ZEALAND CHANGED ITS POSITION FROM PREVIOUS MEETING, AGREEING THAT THE CODE SHOULD APPLY TO QUARANTINE SYSTEMS AND NOTED THAT NOTHING IN THE LIMITED OFFICIAL USE

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CODE WOULD PREVENT NATIONAL ACTION TO PROTECT THE HEALTH OF ITS CITIZENS AND ANIMAL POPULATION. NEW ZEALAND DEL WAS CONFIDENT THAT N.Z. QUARANTINE MEASURES ARE COMPATIBLE WITH THE CODE'S BASIC OBJECTIVES. AUSTRALIA CONTINUED ITS RESERVATION ON APPLICABILITY OF CODE TO QUARANTINE SYSTEMS. U.S. MAINTAINED THAT QUARANTINE SYSTEMS FELL WITHIN THE SCOPE OF THE CURRENT DRAFT TEXT. CANADA BELIEVED THAT IT MIGHT BE IMPOSSIBLE TO STATE QUARANTINE SYSTEMS IN TERMS OF CHARACTERISTICS OF A PRODUCT, AND SUGGESTED THAT A WAY SHOULD BE FOUND TO SUBJECT SUCH SYSTEMS TO THE DISPUTE SETTLEMENT PROVISIONS OF THE CODE.

6. PROCESS AND PRODUCTION METHODS (P&PM): CANADA ASSERTED THAT P&PM SHOULD BE INCLUDED IN THE CODE'S COVERAGE, AT LEAST FOR AGRICULTURAL PRODUCTS, IF THEY ARE NOT ALREADY COVERED IN BY THE TERM "TECHNICAL SPECIFICATION". U.S. NOTED THE SUBGROUP DECISION TO HANDLE THIS TOPIC WITHIN THE TEXT OF THE CODE AND NEW ZEALAND EXPRESSED HOPE THAT THE U.S. WOULD HAVE A DRAFT PROPOSAL ON THIS POINT FOR CONSIDERATION BY THE SUBGROUP.

7. TEST METHODS: NEW ZEALAND CLAIMED THAT FAST CHANGING TECHNOLOGY MADE PUBLICATION OF TEST METHODS IMPRACTICABLE. AS AN ALTERNATIVE SUGGESTION, ADHERENTS SHOULD MAKE TEST METHODS AVAILABLE UPON REQUEST. IN A PRIVATE CONVERSATION, SOUTH AFRICA (FORD) OBSERVED THAT PUBLICATION OF TEST METHODS FOR ENFORCEMENT PURPOSES MIGHT FRUSTRATE EFFECTIVE ENFORCEMENT AND QUERIED WHETHER SUCH TEST METHODS NEED TO BE PUBLISHED. CANADA SUPPORTED RETAINING THE PROVISION ON SPOT CHECKS IN CERTIFICATION SYSTEMS AND STATED THAT PROVISIONS FOR

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DOUBLE TESTING (E.G. BY EXPORTER AND IMPORTER) SHOULD BE PROVIDED FOR PRODUCTS SUCH AS PERISHABLE MERCHANDISE.

8. DISPUTE SETTLEMENT: CANADA CLAIMED (INCORRECTLY) THAT IN DAIRY SUBGROUP THE U.S. FAVORS A LINKAGE OF DISPUTE SETTLEMENT WITH THE GATT WHILE IN THE STANDARDS SUBGROUP THE U.S. IS SEEKING AN INDEPENDENT CODE. CANADA IMPLIED THAT ANY SANCTIONS WITHIN THE CODE PROBABLY WOULD NOT BE AS EFFECTIVE OR PRACTICAL AS THOSE FOUND IN GATT. U.S. POINTED OUT THAT THE PROVISIONS OF THE CODE WOULD GO BEYOND GATT IN MANY RESPECTS AND THAT ADHERENTS TO CODE COULD INCLUDE COUNTRIES NOT SIGNATORY TO GATT. THUS, AN INDEPENDENT CODE WOULD BE MORE SUITABLE TO HANDLE THESE SITUATIONS. EC STATED THAT DISPUTE SETTLEMENT IS ONE OF THE MOST IMPORTANT ELEMENTS OF THE CODE AND THAT PROVISIONS SHOULD BE NEARLY COMPLETED BEFORE FINAL REVIEW.

9. FUTURE WORK: THE GROUP INVITED DELEGATIONS WHICH SO WISHED TO SEND TO THE SECRETARIAT AS SOON AS POSSIBLE SPECIFIC PROPOSALS OR SUGGESTIONS FOR ANY MODIFICATIONS OR AMENDMENTS TO THE TEXT OF THE DRAFT CODE WHICH THEY CONSIDER MIGHT BE NECESSARY, THOUGHNOT NECESSARILY SUFFICIENT, TO MAKE THE CODE APPLICABLE TO AGRICULTURAL PRODUCTS.

10. DRAFTED BY WALLAR. MCDONALD

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